

Real Azad Kashmir

**by
Major Raja Abbas Khan (Ret'd)**

Preface

My aim and object to write this little book is only to tear aside the veil over the doings in Azad Kashmir of the Pakistan Government and to acquaint the world with the really truthful situation existing in Azad Kashmir and not the one that had been exhibited, because quite a different role in painting the picture of Azad Kashmir to the world had been played by the Pakistan Government. Pakistan's declarations about Azad Kashmir were only a pack of lies and a hoax, amounting to pulling wool over the world's eyes and deluding the people of the world. In actual effect, Pakistan had something else in view, because in addition to grabbing the property of the State in different cities of the Punjab, now forming part of Pakistan amounting to millions of rupees, and completely taking over the district of Gilgit, it handed over some portion of Azad Kashmir territory to China, while the remaining territory was in its own occupation. The people of Azad Kashmir, its masters, were forced to suffer slavery.

Because the Pakistan Government was adopting a policy of getting false and untrue statements issued about her actions in Azad Kashmir, as was done in connection with Mangla Dam, about which it was falsely brought to the notice of the Security Council that building of the dam was a joint venture of the Government of Azad Kashmir and the Government of Pakistan and it was for the mutual benefit of the people of Azad Kashmir and Pakistan, weighty and documentary evidence had been produced in support of the contents of the book by publishing important documents as appendixes to it.

R.A.K.

Iron curtain

The world would, I think, be shocked to know that such a curtain had been placed by the Pakistan Government between Azad Kashmir and the rest of the world that nothing could go out penetrating it, and all events taking place in Azad Kashmir remained hidden behind the curtain. The world had been made to believe that Azad Kashmir Government was independently running its administration and Pakistan had nothing to do with it, but the position in actual effect was quite the reverse. The appearance given to Azad Kashmir by the Pakistan Government was absolutely false. Azad Kashmir was in fact considered by the Pakistan Government to be a part of Pakistan. It was ruled by the Pakistan Government (Ministry of Kashmir Affairs) and not by the Azad Kashmir Government. The vociferous slogan of not interfering with the administration of Azad Kashmir Government was meant for foreign consumption only, while its sponsors had an axe of their own to grind. The treatment meted out to Azad Kashmiris by the Pakistan Government, as given in a pamphlet published by that political party of Azad Kashmir, which was known as Pakistan's own party, and certain other actions taken by the Pakistan Government in Azad Kashmir, as narrated in the ensuing pages of this book, made it quite clear that Pakistan's declarations were only to misguide the world opinion.

Illegal Government

No country of the world had recognised Azad Kashmir Government. Even Pakistan had not done so. What to say of issuing a formal notification about recognition of Azad Kashmir Government, Pakistan had not granted even implied recognition. Under international law, a Government could become "de facto" after its recognition if it had acquired internal "de jure" status by having effective control over its territory supported by the will of the people (nation) substantially declared. But as the control of Azad Kashmir territory instead of being with the Azad Kashmir Government was with the Pakistan Government, Azad Kashmir Govt. was neither "de facto" nor "de jure". It was not, therefore, a legal Government. Laws passed in accordance with the constitution of a country were its legal laws, provided its constitution was framed by its legislation. But as there was neither constitution nor legislative assembly in Azad Kashmir, all its laws and appointments were illegal and invalid. The holders of appointments in Azad Kashmir were taking oath of loyalty to Azad Kashmir Government, whereas they were appointed by the Ministry of Kashmir Affairs. What a fraud! The courts were not functioning as the courts of a lawful sovereign under any constitution. And as the courts were not given powers by a legislation to award punishments, they were not competent to award any punishments, although they were awarding even death sentences. Similarly, the President of Azad Kashmir was not competent to hear appeals for clemency, though he was doing it. All actions of Azad Kashmir Government were illegal, and Pakistan was responsible for these, because though Pakistan was not legally entitled to order things in Azad Kashmir, yet everything, as detailed below, was being done

there by the Pakistan Government (Ministry of Kashmir Affairs). How and under what international law this was done by the Pakistan Government should be explained by the Pakistan Government itself to the world.

Pakistan's rule in A.K.

Governments that came into being in Azad Kashmir virtually from its inception were all installed illegally by the Pakistan Government (Ministry of Kashmir Affairs), first with the collaboration of Muslim Conference and then independently, although the people of Azad Kashmir were totally against establishment of such Governments. Some Presidents of Azad Kashmir appointed by the Pakistan Ministry were, of course, good people by nature. God-fearing persons who love righteousness, but each one of them on his appointment was given a warning by the Pakistan Ministry that in case he did anything against the interests of Pakistan, he will be arrested and persecuted. Therefore, fearful of what might happen to them, they were compelled to work as household staff of Pakistan Government. Whenever one started working according to the dictates of his conscience, he was immediately removed from the Presidency. However, some of them worked as such henchmen and lackeys of the Pakistan Government that they, having no scruples and principles and like spiders hunting for flies, had, in their appetite for pelf and power, violated the rights of the people of Azad Kashmir without there being any remedy, because the courts, being illegally constituted as above, could grant no relief. Moreover, the Governments in Azad Kashmir were installed in such a manner by the Pakistan Government that they were neither subject to the jurisdiction of the courts nor sovereign. There was also no other express provision anywhere enabling the courts to have jurisdiction over the Government. However, existence of an express provision to that effect would not have made any difference at all, because holders of all the appointments, high or low owed their appointments to the Pakistan Ministry, and as such they always kept Ministry's interests in view.

The undermentioned appointment and dismissal of a person as President of Azad Kashmir will serve as a yardstick to measure things done in Azad Kashmir by the Pakistan Government (Ministry of Kashmir Affairs): "A person was appointed as President of Azad Kashmir by the Ministry of Kashmir Affairs, but after some time he was removed and another man was put in his place. He himself attempted to regain Presidency by bringing men with rifles from his District and making them resort to firing at the headquarters of Azad Kashmir. He thought that to be a pretty weighty attempt to regain Presidency, but, as one passer-by woman died in the firing, a Captain from GHQ Rawalpindi was sent to Muzaffarabad to threaten and bring him down to Rawalpindi. He was accordingly brought by the Captain to Rawalpindi where he was interned in his bungalow, allotted to him on his first appointment as President of Azad Kashmir. CID men were posted outside his bungalow. They permitted no one to meet him, not even his relatives. He was not however, charged with any offence. After

some time, everything became all right. He was once again appointed as President of Azad Kashmir. He was made to issue false statements in connection with Mangla Dam. In the year 1958, he was again dismissed. Some time after his dismissal, he was locked up in Rawalpindi prison on some specific charges. He was released from prison after some days without any trial. He is now a State Councillor in Azad Kashmir". When not President of Azad Kashmir, he had jointly written a letter to the Prime Minister of Pakistan not to build Mangla Dam in Azad Kashmir territory.

Presidents of Azad Kashmir appointed from time to time by the Ministry of Kashmir Affairs were dismissed at their sweet will and usually for the reasons that did not have the remotest connection with any public issue. Five men, Messrs Sardar Mohd Ibrahim Khan, Col. Ali Ahmed Shah, Mir Waiz Maulvi Mohd Yousaf Shah, Col. Abdul Qayyum Khan and Col. Sher Ahmed Khan were removed from the Presidency of Azad Kashmir one after the other by the Ministry of Kashmir Affairs. The sixth man, Mr. Khurshid, was first appointed as President by the Ministry of Kashmir Affairs as usual, and was subsequently got elected under Basic Democracy introduced in Pakistan and thrust upon Azad Kashmir against the wishes of its people, who vigorously opposed it, being retrograde. Mr. Khurshid's rival in the Presidential election held in the year 1961 was Muslim Conference's candidate, Col. Abdul Qayyum Khan, against whom Mr. Khurshid had virtually no chance of becoming President, though being the working President, he had mustered a respectable share of vote. Col. Abdul Qayyum Khan received more votes than Mr. Khurshid in Azad Kashmir. Logically, he should have become President of Azad Kashmir, but no logic could count here. According to Muslim Conference, interference of the then Foreign Minister of Pakistan, Mr. Manzoor Qadir, in the votes in Pakistan of Kashmir refugees settled in Pakistan, made Mr. Khurshid a successful President of Azad Kashmir. It was not Mr. Khurshid's own achievement. This, in fact, was accomplished by the Pakistan Government, who wanted Mr. Khurshid and not Col. Abdul Qayyum Khan to become President of Azad Kashmir. That was why Mr. Khurshid was helped out of the way to become President even by resorting to an illegality. Chaudri Ghulam Abbas, the veteran leader of Azad Kashmir, made representations about it to the President of Pakistan without success. (Although Azad Kashmir Government had absolutely no jurisdiction over the Kashmir refugees settled in Pakistan, yet they were given the right of vote in Azad Kashmir. They have again been registered as voters in Pakistan). However, in spite of the fact that Mr. Khurshid was an elected President and was, like a tame parrot, acting as "his master's voice", he was removed from the Presidency by the Ministry of Kashmir Affairs. It so happened that Sheikh Abdullah, who came for talks with the President of Pakistan, wanted to go to Azad Kashmir also, and he had hardly arrived at Muzaffarabad, the capital of Azad Kashmir, in the company of Mr. Khurshid, that he was forced to return to New Delhi on the sudden demise of Pandit Jawahar Lal Nehru, Prime

Minister of Bharat, and after his departure from Azad Kashmir and Pakistan, Mr. Khurshid was given by the Ministry of Kashmir Affairs a verbal option of accepting either a charge sheet and arrest or removal from the Presidency of Azad Kashmir, himself making a false statement in the Press stating that he had tendered his resignation due to ill health and personal reasons. He was thus compelled to accept the latter. Accordingly, he issued a statement in the Press. The reasons for Mr. Khurshid's having been put to such an awkward position were that Pakistan CID had reported that while accompanying Sheikh Abdullah from Rawalpindi to Muzaffarabad, he had told a certain thing in Kashmiri language to Sheikh Abdullah against the interests of Pakistan. What had transpired between the two was known to many Azad Kashmiris, but it will be told to the world at large later on.

The sufferings experienced by the Azad Kashmir leaders arrested at Rawalpindi were well known to Mr. Khurshid. He rightly thought that what had happened to them, could very easily happen to him also. Therefore, in order to save his skin, he had issued a statement in the Press in accordance with the wishes of the Ministry of Kashmir Affairs, otherwise the reason for his removal was well known to the people of Azad Kashmir, though nobody could open his mouth. It was a sheer lie to say that Mr. Khurshid had himself resigned. Such were the doings of the Ministry of Kashmir Affairs in Azad Kashmir, though it was still said that Azad Kashmir Government was independently running its administration.

Plight of A.K. people

The people of Azad Kashmir were no better than refugees. They were poor, hungry and oppressed, and were treated like dirt under the feet of Pakistani officers sent in Azad Kashmir by the Ministry of Kashmir Affairs. It was merely a fortunate accident of history that they still survived there. Moreover, it was a thankful relief that following their traditional hospitality the British Government permitted Azad Kashmiris to enter United Kingdom in large numbers to earn their livelihood in different factories and industries, otherwise they, especially the people of Mirpur, a quarter million of whom had become homeless due to building of a dam in their territory, would have been extinguished from the world, because the means of their livelihood in Azad Kashmir had been taken away.

Although the people of Azad Kashmir wanted a constitutional rule and wanted to be governed by the rule of law, yet they were governed by the personal rule of the Ministry of Kashmir Affairs, which was leading the people to disaster. Repressive laws like Emergency Act and Defence Rules, which were exact copies of the Martial Law Order and Defence Rules of Pakistan, were applied in Azad Kashmir. Pakistani officers as heads of departments in Azad Kashmir, who had terrorised the people, had a feeling of pride and dignity befitting a master class, while Azad Kashmiris were a servile class to look down upon and were treated by them as their slaves. Man's inhumanity to man had, therefore, assumed disgusting ugly forms there.

People of Azad Kashmir had been deprived of many vital rights, not very scrupulously respected in Pakistan but practically extinguished in Azad Kashmir and in a way that would shock the conscience of civilised mankind and would evoke strong protests from the world opinion. There was no freedom of speech in Azad Kashmir. The universal declaration of Human Rights adopted by the U.N. General Assembly in 1948, which was an enunciation of rights, freedoms that might belong to human beings irrespective of race or religion, status or sex, had been trampled under foot by the Pakistani authorities.

Political bribes

Nowhere in the world political leaders were in the pay of a Government as certain leaders of Azad Kashmir were in the pay of the Ministry of Kashmir Affairs; nor was any political party in the world given such an official patronage, as was given by the Ministry to a political party of Azad Kashmir. That party was, in fact, controlled by the Ministry, and its aims and policies were also that of the Ministry. The official letter issued by the Ministry, patronising the said political party, is published as appendix A to the book.

Kashmir property in West Punjab was grabbed by Pakistan, for which squares of land were given to some men as hush-money by the Ministry of Kashmir Affairs. According to a Rawalpindi newspaper, Messrs Pir Maqbool Hussein Shah Gilani, Syed Nazir Hussain Shah, Yousaf Qureshi, Ghulam Din Wani, Sanaullah Shamin and Amin Mukhtar accepted them, but Mr. Ghulam Nabi Gilkar did not accept it and refused the same saying that Kashmir property belonged to the nation; its sale or individual allotment was illegal. Some of those men were now nominated State Councillors, as members of the State Council in Azad Kashmir, although there was no provision for nomination but only for election in the Basic Democracy and Election Act of Azad Kashmir.

As compared to the above-mentioned political party, the following five political parties with their heads with different affiliations, who were merged into one political party known as "United Front", were not tools of the Ministry of Kashmir Affairs and had not given up the principles of their conscience like the above party, which consisted only of beneficiaries and henchmen of the Ministry, who were given cash allowances, route permits, import licences and squares of land. According to the statement of the five political parties published in the "Moralist" of 24-5-1957, not a single soul in the Kashmir Valley owed allegiance to that political party.

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| (1) | J & K Awami Conference | ... | Mr. Abdul Khaliq Ansari |
| (2) | J & K Kisan Mazdoor Conference | ... | Mr. Abdul Aziz Mir |
| (3) | J & K People's Conference | ... | Mr. Abdul Majid Malik |
| (4) | Kashmir Republican Party | ... | Mr. Ghulam Nabi Gilkar |
| (5) | Anjuman-i-Naujawan-i-Kashmir... | | |

Mr. Basharat Ahmed Shah

Perpetration of atrocities

Such heinous treatment was extended to Azad Kashmiris that even the above-mentioned political party, the mouthpiece of Pakistan, felt the necessity of lodging a protest against that treatment by publishing a pamphlet headed, "True Picture of Azad Kashmir", in which atrocities perpetrated were pointed out. The pamphlet was written by the Publicity Secretary of the political party, Mr. Ghulam Mohd. Only a few glimpses of the pamphlet, as below, were given here. Original writing of the Publicity Secretary was given here; not a comma or a hyphen was changed by me.

"For the last few years the people of Azad Kashmir in general and those of Poonch in particular have been subjected to great torture and terrorism. Account of this terrorism is very heart-rending". . . . Martial law was imposed in Poonch last time without any jurisdiction. At least a dozen houses were blasted with dynamite, a number of poor families rendered homeless. Ruthless shelling and random firing by mortar guns took place resulting in many deaths. Simultaneously with imposition of martial law Punjab Constabulary was imported into Azad Kashmir in large numbers. This police raided villages inhabited by peaceful people." ... "In Sarsawa area which is in Mirpur District, hundreds of houses were pillaged by the police." ... "The village folk have been deprived of their personal belongings like clothes, utensils, cattle and money. Arrests of men, women and in some cases of children were effected. About four hundred persons are still under detention in the concentration camp at Pullundri." ... "They are rotting in the concentration camps at Bagh, Barl, Pullundri and Sarsawa. They are forced to live under sub-human conditions." ... "Important political workers and leaders like Sajjad Hasan Shan, S. Bagga Khan, Abdul Aziz Maloti, Captain Feroz Khan, Mr. K. B. Khan and Ghazi Feroz Ali are mercilessly being belaboured. The first-mentioned was pretty nearly killed. Food is given to them in very meagre quantity and they do not get water for ablution or bath. In the morning they are brought out of the jail tied with a single rope in a single file in batches of 100 to attend the call of nature in the open. The distance from one to another man is hardly a yard. Then these unfortunate victims of the callous policy of the Government hide their faces with their skirts and attend the call of nature. Mohd Sadiq, a new arrival from Kashmir who was arrested at Muzaffarabad was tortured and forced to say that he had been sent by Indian held Kashmir Government for espionage. He refused to say so and was tortured all the more. There is a concentration camp at Muzaffarabad also. The M.C.A.S. who last month visited Muzaffarabad were not allowed to see this camp. Face of Ghazi Feroz Ali, Secretary of the Pullundri Muslim Conference was blackened. He was dragged through the bazaar, garlanded with shoes and the police spat upon him and hissed and hooted him for hours. Could anybody dream of anything shameful like this in the biggest Islamic country of the world? Same treatment was meted out to Abdul Aziz Maloti. Women were arrested and subjected to unbecoming and insulting treatment. Four of them belonging to Captain Feroz Khan's family fainted in

Trarkhel concentration camp. Women have not only been raped but in some cases their breasts and secret parts have been bitten by the Police and its officers. The Police have been pulling the breasts of women and telling them that they hid hand-grenades in them. There are also instances of teen-aged boys having been subjected to unnatural vices by men of Platoon 14 of the Punjab Constabulary in Boan village."... "Arrest and detentions without trial are a common feature of public life now. Houses of respectable persons are searched without the least regard for their prestige." ... "The Ministry of Kashmir Affairs are the actual rulers of Azad Kashmir. They form and dismiss Governments."...

How would Pakistan justify its claim of Azad Kashmir Government's running its administration independently, when its own favourite political party stated in the pamphlet that Ministry of Kashmir Affairs were the actual rulers of Azad Kashmir, they were forming and dismissing Governments, martial law was imposed, houses were pillaged and blasted with dynamite. ? Police took away personal belongings of the people, men, women and children were arrested and kept under sub-human conditions, people were killed by shelling and firing of mortar guns, women were raped and unnatural offences were committed with the teen-aged boys by the Pakistani Police ?

Betrayal

The story reminiscent of the above-noted happenings wanted telling : "The gallant people of Poonch, vigorously opposed the above doings but were arrested. However, a very brave soldier of Poonch, Captain Khan Mohd, who was, I believe, well known to many Retired British Officers for his fighting with them against Japanese in World War II, bitterly opposed the treatment extended to the people of Poonch, but thinking that the Ministry of Kashmir Affairs might harm him, he fled to the Kashmir Valley by crossing the border from Poonch. After some time, a secret message containing the promise of no action against him for crossing the border into Kashmir Valley was sent to him, and he was urged to return to his native place in Poonch District of Azad Kashmir, but he was betrayed on his return; because no sooner he entered Poonch, he was arrested, removed to Pakistan and locked up in Lahore Fort. His relatives made a writ petition to the Lahore High Court against his unlawful detention in Lahore Fort, but he was immediately removed to Muzaffarabad, and the Advocate-General of Pakistan told the High Court, in accordance with the instructions he had received from the Ministry of Kashmir Affairs, that Captain Khan Mohd could not be produced in the court, not being in Lahore Fort. The writ petition was, therefore, dismissed, but Captain Khan Mohd was again brought to Lahore Fort after dismissal of the writ petition. His relatives feeling fed up with that falsehood did not submit further writs, and Captain Khan Mohd remained in Lahore Fort for a number of years. He was subsequently brought from Lahore Fort and interned in his house in Poonch District. He is free now, but the reasons for his liberty are not known.

Neither the above-noted happenings in Azad Kashmir nor the story of Captain Khan Mohd ever appeared in the Press and remained hidden from the outside world.

Dark age of Azad Kashmir

Although the previous Governments of Pakistan were no better than the first martial law regime, yet the condition of Azad Kashmir, as the following would show, was considered to be worst during the martial law regime. The undermentioned four events took place in Azad Kashmir during the time of the previous Governments:—

(1) J & K State property in Pakistan, amounting to hundreds of millions of rupees, which fetched an annual income of hundreds of thousands of rupees, was grabbed by Pakistan.

(2) Annual land revenue for the land used for the purposes of Upper Jhelum Canal and its headworks, which used to be paid to the State by the British Government and which amounted to hundreds of thousands of rupees up to date was stopped by Pakistan.

(3) Proprietary rights of the land at 2 above were also taken over by Pakistan.

(4) Azad Kashmir became Pakistan's own territory.

Some territory of Azad Kashmir was handed over to China by the martial law regime. Cairns of stones and wooden poles marking the State borders since British rule were removed during the time of this regime, and after removal of those border markings, Pakistan and Azad Kashmir looked as one country; separateness of Azad Kashmir as was distinct before, was extinguished. Mangla Dam was built by this regime in Azad Kashmir territory against stipulations of the World Bank and wishes of the people of Azad Kashmir. Payment of royalty for quarrying stone and excavating materials, and land revenue for 120 square miles area of land covered by Mangla Dam and Reservoir was not made to Azad Kashmir by this regime. All rule and regulation books and acts of Pakistan were enforced in Azad Kashmir by this regime. Azad Kashmir Act of 1964, replaced by Act of 1968, promulgated by the Ministry of Kashmir Affairs but falsely said to have been promulgated by the Azad Kashmir Government and latter's fraudulent order No. 17/17/1358-1405/67, sanctioning mutation in the name of the Pakistan Government of the land acquired in Mirpur District for Mangla Dam and Reservoir were promulgated and issued during the time of martial law regime.

The fraud is apparent from this fact that on one hand Azad Kashmir was considered to be Pakistan's own territory while on the other the Ministry of Kashmir Affairs ordered the President of Azad Kashmir to sanction mutation of the land used for Mangla Dam and Reservoir in the name of the Pakistan Government. Although the Azad Kashmir President, even if he was independent, could not sanction the mutation in the presence of Section 4 of J & K Alienation of Land Act, yet he, being their stooge, sanctioned it in compliance with their orders. Section 4 of J & K Alienation of Land Act reads: "Transfer of land in favour of any person who is not a State Subject is prohibited".

Everything was done in Azad Kashmir by the Ministry of Kashmir Affairs, but like the juggler's handkerchief—one for show and the other for blow—Azad Kashmir Government was exhibited to the world as

independently running its administration. Acts 1964 and 1968 were promulgated by that Ministry but were attributed to Azad Kashmir Government. The Acts themselves showed that it was unlawful for the Azad Kashmir Government to do anything affecting the provisions of the Acts or the rules made thereunder and to repeal or modify them and that no rule or law enacted by the Azad Kashmir Government would be considered as law unless approved by the Chief Adviser. In the demonstrations staged by the boys and girls at Muzaffarabad, as reported by the weekly "Mashriq" of London in its issue dated 18th January, 1969, slogans were chanted against the Act 1968. As per news in the "Asia" of Birmingham dated 18th January, 1969, speeches were made for the cancellation of the Act. According to another news in the weekly "Mashriq" of London, Chief Adviser was responsible for the administration of Azad Kashmir, which was confirmed by the statements made by the three former Presidents of Azad Kashmir in their Press conference. In the State Council meeting, news about which was published by the weekly "Mashriq" of London, Haji Mohd Usman, State Councillor, said: "State Council was not empowered to make any amendment or to repeal the Act 1968". The President of Azad Kashmir also said in the same meeting: "The State Council was lacking powers in many respects." Commonsense would, therefore, dictate that in view of all this the Acts could not be said to have been promulgated by the Azad Kashmir Government. It was all a falsehood of the Ministry of Kashmir Affairs to show them to have been promulgated by the Azad Kashmir Government. As a matter of fact, the Acts were promulgated by the Ministry of Kashmir Affairs for their own benefit but were falsely shown to the world to have been issued by the Azad Kashmir Government. Even if the Azad Kashmir Government itself, in obedience to the orders of the Ministry of Kashmir Affairs as usual comes forward to say that the Acts were promulgated by them, it won't be a truth, because commonsense would have it that a Government promulgating the Acts was always competent to amend or repeal the same, whereas there was a mention to the contrary in the Acts themselves. The Act 1964 is published as appendix B to the book.

Production of State Subject Certificate in the land purchase transactions was compulsory. No sale deed was ever registered unless a State Subject Certificate was produced by the purchaser. Some persons from Mirpur District of Azad Kashmir working in the factories in U.K., whose houses were submerged in the Mangla Dam water, could vouch for this fact, because they could not purchase land even for building new houses elsewhere in Azad Kashmir without production of State Subject Certificate. Therefore would the order of the Azad Kashmir Government, sanctioning mutation of Azad Kashmir land in the name of the Pakistan Government, be in order, and would it not look ridiculous and laughable? This would certainly be so; it will mean that either Pakistan Government had become an hereditary subject of Azad Kashmir or the President of Azad Kashmir was an employee of Pakistan.

Will it not now be clear to the world that Azad Kashmir was considered to be Pakistan's own territory? The order of Azad Kashmir Government regarding mutation and J & K State Council Resolution of 15-9-1804 referred to the above are published as appendixes C and D in the book.

Pakistani rule and regulation books in A.K.

All rule and regulation books and acts of Pakistan were in use in Azad Kashmir. Even EBDO rules of Pakistan had been enforced in Azad Kashmir and some Azad Kashmiri leaders were ebdoed as in Pakistan. In addition to other leaders, Chaudri Ghulam Abbas, the veteran leader of Azad Kashmir, was got ebdoed, merely for the reasons that in one case he did not accede to the wishes of the Pakistan Government. That case will of course, be disclosed to the world later on. Chaudri Ghulam Abbas had personally brought Mr. Khurshid on the stage of Azad Kashmir. Therefore when ebdoed, he felt terribly depressed. He burst into tears and actually wept like a child, not for the fact that after being ebdoed he will not be able to take part in the politics of Azad Kashmir, but merely for the thought that he was ebdoed during the Presidency of a person for whose bringing into Azad Kashmir he himself was responsible. EBDO could be useful in Pakistan, because an Army Coup had been enacted there and the political leaders were required to be eliminated, but what had happened then in Azad Kashmir to deserve EBDO there could not, of course, be understood.

Some Pakistani rule books in their present form had created very awkward position. For instance, Land Acquisition Act. This was printed in India during the British rule and instead of reprinting it in Pakistan according to own requirements and then enforcing it in Azad Kashmir, it was made to be used in its original print. According to that Land Acquisition Act, a person whose property was acquired and who did not accept the compensation offered thereof, could go in appeal up to the Privy Council and the Secretary of State. The highest authority in Azad Kashmir was the High Court and an amendment to the rule by the Azad Kashmir Government was not in order, because that Government was illegal.

Present President of Azad Kashmir

The present President of Azad Kashmir, Mr. Abdul Hamid Khan, was not a private citizen but an employee of Azad Kashmir Government when appointed President of Azad Kashmir by the Ministry of Kashmir Affairs. An employee of Azad Kashmir could not become its President. However, after functioning as President for some time, he was made to get a vote of confidence as President from the Basic Democrats of Azad Kashmir, but the manner of obtaining vote of confidence was so unique that it was narrated here for the interest of the readers. (Kashmir refugees settled in Pakistan but registered as voters in Azad Kashmir who had cast votes in the first Presidential election held in Azad Kashmir under Basic Democracy were excluded from this vote of confidence). Printed chits (parchis) were used for the votes. Three officers viz, D.C., Supdt. of Police and Tahsildar sat at the so-called polling station and

Vote of Supt. of Police always wore civilian clothes on duty in the office, but he sat at the polling station with his uniform on. Tahsildar, while filling particulars in the chits (parchis), was himself scoring out the word "no confidence" in them, and was ordering the members of Basic Democracy to put them in the box. The members of B.D. were not given the chance of scoring out the word "no confidence." D.C. and Supt. of Police were sitting there merely to influence the members of the Basic Democracy. One Basic Democrat, an educated person, said that he was the last person to enter the polling station, being late, but the Tahsildar shouted at him no sooner he arrived there: "Why are you late? You kept us waiting for such a long time. Do you take us to be your servants? Put this parchi in the box there." He said that he was so puzzled and became so nervous with the shouting of the Tahsildar that he could not utter a word, he simply put the chit (parchi) in the box in obedience to the orders of the Tahsildar and came away. He could not, he said, see what words were printed and what were handwritten in the chit (parchi). He said that he didn't read the chit (parchi) at all in spite of the fact that he was an educated person.

It, however, became clear that in each District the three officers, viz: D.C., Supt. of Police and Tahsildar had given votes of confidence and not the members of Basic Democracy. Anyhow, how did it look?

It was very bad indeed, if the vote of confidence was obtained in the same manner in Pakistan also.

In the present election held in Azad Kashmir in the year 1969, President of Azad Kashmir was elected by the votes of the State Councillors and not by the votes of the members of Basic Democracy, as was done before. As a matter of fact, election in a country should be held according to the franchise rules written in the constitution of that country, but as there was no constitution in Azad Kashmir, election should have been held under the Basic Democracy in vogue in Azad Kashmir. The system of electing the President should have been compatible with Basic Democracy. In the first Presidential election held in Azad Kashmir, members of Basic Democracy had cast their votes, although State Councillors were then also there. First of all, introduction of Basic Democracy in Azad Kashmir without its constitution was illegal and then to change the system of electing the President, amounting to changing the electoral law every time to suit own requirements, was not only illegal but it will certainly bring international reaction when it becomes known to the world. The Ministry of Kashmir Affairs had changed the system of election merely to benefit Mr. Abdul Hamid Khan, although no reasons for the change had been given by any quarter. And it was probably for this reason that the three former Presidents did not contest the Presidential election and had boycotted it. Most tragic aspect of an immeasurable tragedy was that while a non-Pakistani could not stand as a candidate for the Presidential election in Pakistan a non-Kashmiri had been made President in Azad Kashmir. State Subject Certificate obtained fraudulently by Mr. Abdul Hamid Khan was cancelled during the Dogra regime, but as he was not removed

from service then, he continued to serve in Azad Kashmir also. He did not belong to Kashmir State. He was a citizen of Peshawar, a District of West Pakistan, where all his relatives were living. How ludicrous it was that one brother was the citizen of Pakistan, the other claimed to be the citizen of J & K. State? One was Pathan and the other claimed to be a Kashmiri. Could that be real? Kashmiris are called Khawajas while Pathans are called Khans and Mr. Abdul Hamid Khan is also called a Khan. Under the circumstances, he could not become President of Azad Kashmir. There were also State Subjects fit to be President of Azad Kashmir, and then there were those State Subjects also who had already worked as Presidents of Azad Kashmir. Why not one of them be appointed as President? If preference was given by the Ministry of Kashmir Affairs to a non-State subject over State Subjects, then it will confirm public worst fears about the following:—

Political alliance

F. M. Mohd Ayub Khan was said to have arrived at an understanding with Mr. Abdul Hamid Khan that the latter will make his brother, Khan Abdul Qayyum Khan, former President of Muslim League, to refrain from doing anything against F. M. Mohd Ayub Khan, and in return for that he (F. M. Mohd Ayub Khan) will see that Mr. Abdul Hamid Khan continuously remained President of Azad Kashmir and that the Ministry of Kashmir Affairs did not interfere with his doings there. The proof of this will be found in the fact that Khan Abdul Qayyum Khan remained icily aloof from the affairs of Council Muslim League in which he was previously taking great interest. He even resigned its membership. The Ministry of Kashmir Affairs was not at all interfering in the doings in Azad Kashmir of Mr. Abdul Hamid Khan. And it was only after the announcement of F. M. Mohd Ayub Khan to the effect that he will not stand for the Presidency of Pakistan that Khan Abdul Qayyum Khan again started taking part in the affairs of the League. Similarly, the Ministry of Kashmir Affairs might also change its attitude towards Mr. Abdul Hamid Khan, but it was only for the reasons noted above that he had become so favourite of the Ministry that they had even changed the system of election to benefit him.

It might be of interest to the readers to know that once a 30 miles long procession was taken out for Khan Abdul Qayyum Khan when he was President of the Muslim League. He is known to be an uncrowned strongman of the North West Frontier Province

Making full use of the assurance given by F. M. Mohd Ayub Khan that the Ministry of Kashmir Affairs would not interfere in the doings in Azad Kashmir of Mr. Abdul Hamid Khan he in addition to many under-hand things, about one of which a former President of Azad Kashmir, Sardar Mohd Ibrahim Khan, also gave an indication in a State Council meeting, news of which was published in the weekly "Mashriq" of 11-1-1969, got his own private car driver appointed by the Ministry of Kashmir Affairs as Inspector of Police. The story of a middle passed person appointed by the Ministry of Kashmir Affairs as Secretary to the Azad Kashmir Government will reveal how things were

being done in Azad Kashmir by the Ministry of Kashmir Affairs. During the Dogra regime, Maharajah Hari Singh in accordance with the recommendations of the "Glancy Commission Report" had appointed a middle passed Muslim as Assistant Accounts Officer, about which a Kashmiri newspaper, "Martand", adversely criticising the appointment had written against it an article entitled, "Middlechi Assistant Accounts Officer". But the Ministry of Kashmir Affairs had gone even a step further in that direction. They appointed a middle passed person as Secretary to the Government, the most important appointment in Azad Kashmir. Maharajah Hari Singh had appointed a middle passed Muslim as Assistant Accounts Officer under compulsion, because the "Glancy Commission Report" wanted 50% vacancies in all grades to be filled in by the Muslims whereas educated Muslims were not available then in the State, some 40 years ago, but there being no such compulsion now, the position was quite different, because highly educated Muslims were now available. Therefore, appointment of a middle passed person as Secretary to the Government now appeared to be very unique. Nowhere in the world, a middle passed person was appointed as Secretary to the Government nor was the appointment of a private car driver as Inspector of Police heard anywhere in the world. It was the Ministry of Kashmir Affairs alone who was doing such things in Azad Kashmir.

Oppressive behaviour of Pakarmy

Pakarmy in Azad Kashmir was so dominating and oppressive over Azad Kashmiris that they were entering their houses as and when they liked. The search made of the house of a deceased Officer of Mirpur in the garb of a hunt for the lost army articles was an index of their high-handedness. The house was searched merely because the deceased Officer was an Azad Kashmiri, otherwise the excuse invented for the search was silly, because the Officer had died eight years before the army articles were lost and according to commonsense could not come out of his grave to steal the army articles, but the oppressive Pakarmy did not hear this point of commonsense. The house of another Officer and of a driver were also searched with the same silly excuse. However, nothing belonging to the Pakarmy or anything objectionable was found in the search. Orders of the Area Commander, search warrants and the search sheet duly witnessed by the Headman of the village and stating therein that nothing was found in the search were all in Urdu and could not therefore be published as appendixes to the book.

The deceased officer belonged to the British-Indian/Pakarmy. He had taken part in Kashmir fighting as Commander of Civil Armed Forces. Certificate of gallantry issued to the officer by General "Kamal" for the acts of bravery shown by the officer in the fighting was published as appendix E to the book, merely to show that he was really dead when the raid on his house was made by the army. The certificate recommended reward to the family of the officer, but the fruitless search of his house was not even followed by an apology to the widowed mother of the deceased officer by any quarter. That was the behaviour of the army towards Azad Kashmiris.

Malignant treatment

Some officers, inhabitants of Kashmir State, who, being trained in British-India, had served in the J & K State Army, were involved in a trumped-up case of "conspiracy with foreign power". Their only guilt was that they had complained of placement over their heads of junior, untrained and inefficient Pak army officers. For that most innocent and innocuous complaint, a case of conspiracy was trumped up against them. They were arrested and physically tortured by the Pak army personnel. They were made to crawl on their stomachs on the rugged ground and their buttocks were butted with rifles almost every day. Indescribable physical torture and other distress consisting of never-ending flood of insult, humiliation and threats was given to them. With that torture some of them were sometimes becoming unconscious. Even old officers were not spared of the torture, and it was so barbarous that they were forced to confess to crimes that were not committed by them. They were, therefore, constrained under torture, of course, to sign a confession implicating themselves to anti-Pakistan activities, and though they told the tribunal that they had made their confessions because of the torture they went through and under pressure from the investigator, Major Khazin Khan of Pak army, named by the Azad Kashmir people as "Khanzir Khan" who tormented them from the day of their arrest and that they were not guilty of any conspiracy, yet they were given long terms of imprisonment and sent to Muzaffarabad prison.

The question with regard to the treatment extended to the officers, as noted above, was: "Did all that savour of Azad Kashmir Government's independent role?"

I think, the readers would agree that application of physical methods of pressuring, torture and bringing into a state of unconsciousness was all inhuman. This was in violation of Article 6 of the Declaration of Human Rights, which declared: "No one shall be subject to torture or to cruel inhuman or degrading treatment or punishment".

It would perhaps be appropriate to mention that I along with my colleagues was also in the Muzaffarabad prison as a political detainee, in connection with the opposition of Mangla Dam, which was being built in Azad Kashmir territory, and used to meet the concerned officers in the prison, where they had disclosed all the above-noted details to me.

Development in A. K.

Announcement of an all-round development in Azad Kashmir was a mere propaganda. There was no industrial factory in Azad Kashmir. Instead of any kind of development, crime was climbing at a disturbing rate, which was strikingly in evidence in the whole of Azad Kashmir. Hunger was more widespread, violence more ruthless and life more insecure than at any previous time. Decline in forest income was even more pronounced. All forest produce of resin in Azad Kashmir was taken to Pakistan at Haripur Hazara. There was a substantial decrease in the land revenue due to the obliteration of Gilgit and Mirpur from the map of Azad Kashmir. Were buildings around New Mirpur Town constructed by people mercilessly ousted from their ancestral homes by

the Mangla Dam organisation taken as development? No offer of encouragement was ever made to the people to develop their own potential, to build up businesses and to stand on their own feet. Who will make such an offer when the President himself, for his own well-being, was issuing false statements in compliance with the orders of his masters, the Ministry of Kashmir Affairs? Most ridiculous announcement that Pakistan Ministry propaganda's imaginations had ever fabricated was that Azad Kashmir would soon become self-sufficient in food. Could there be a more misleading and false statement than this? Azad Kashmir could not become self-sufficient in food even after 100 years, because Mangla Dam had left no land to grow food crops in Mirpur, the only food producing area of Azad Kashmir. Other areas in Azad Kashmir were so hilly that the food produced there was not sufficient even for the short period of the year for the people inhabiting those areas. Such a statement was, therefore, only to misguide the world. The surfaced and asphalted roads constructed during the Dogra regime in the territory known as "Azad Kashmir" were in a very bad state now. The road from Mirpur to Palak had been drowned in Mangla Dam water. However, whatever roads there were in Azad Kashmir, most of which were only unsurfaced, unmade and one-way-traffic-dirt roads, all of them were controlled by the Pak army. Whenever a Pakistani Brigade Commander travelled on any road, whole of that road stayed closed to civil traffic. The Pak army police would not allow any civil traffic to ply on that road till the Brigadier had passed the other end of the road irrespective of the time limit he took to travel on that.

Border agreement

According to the internationally known fact, a border agreement could be signed between the countries having contiguous territories. China and Pakistan had no contiguous territories, but a border agreement signed by them had no international repercussions. Pakistan was established by the British Government. Its boundaries were, therefore, recognised ones. The world geographers, and the British Viceroy who divided the sub-continent, are requested to kindly name the territories of Pakistan which were contiguous to that of China. No map will ever show that Pakistan's own territory handed over to her by the British Government was contiguous to that of China. Pakistan consisted of two parts or to be more precise it had two wings, East Pakistan and West Pakistan. East Pakistan had sea on one side, while on all other sides it was surrounded by Bharat. A small portion of it was contiguous to Burma. Nowhere, East Pakistan's territory was contiguous to China. As regards West Pakistan, it was contiguous to Iran, Afghanistan, Bharat and J & K State, with sea on to the small portion of its territory. Like East Pakistan, West Pakistan was nowhere contiguous to China. It was not, therefore, understood how border agreement between China and Pakistan was taken by the world powers to be a straight deal. Only when Gilgit, a district of the State, was shown as Pakistan's territory, the territories of China and Pakistan became contiguous. The fact was that when Azad Kashmir came into being, Gilgit was taken over by Pakistan

showing it as Pakistan's own territory. A portion of it beyond Hunza was given over by Pakistan to China and a border agreement signed with her. It was, however, an incontrovertible and irrefutable fact that Gilgit was not Pakistan's territory; a portion of it could not be given to China. Pakistan had no legal right to give away portion of Azad Kashmir to China. I challenge any one to dispute my statement. How would the Muslim countries, especially Saudi Arabia, whose monarch had once said in the general Islamic conference of the representatives of Muslim countries that Islam would be promoted and atheism fought and that Muslim countries should unify in their attitudes towards the atheistic trends, react to the attitude of Pakistan illegally and forcibly taking away others territory and making a gift of some of it to an atheist country? Forcibly taking away of Azad Kashmir's territory had made a mockery of elementary human rights. United Nations Organisation should have stepped in to stop giving away of others territory to China. Pakistan by doing that had exhibited a political hypocrisy which will undoubtedly occupy a very unfortunate negative place in the international history. Usefulness of promulgating order No. 9 with its amendment, as given hereunder, may be explained by Pakistan to the world, if the above fact was denied: "Order No. 9 of 1959 called the North West Frontier Province (Enlargement of the area and Alteration of Boundary) and (Amendment) order 1959—on the North-East the boundary of Hazara District is conterminous with the boundary of Gilgit Agency". What was meant by enlargement of the area and alteration of boundary? Which area was enlarged and alteration of which boundary was made in West Pakistan, because there was a fixed area and fixed boundary on that side of West Pakistan? Let Pakistan Government itself name the territory that was contiguous to China. In respect of Gilgit, a question was put to the British Government: "Was not Gilgit a part of Kashmir State at the time of granting of independence to India and Pakistan"? Though the answer would have been in the affirmative, yet it was dispensed with, because the answer had been found in the statement of Mr. Shahab, Education Secretary of Pakistan Government, who unintentionally stated that Gilgit was part of Kashmir State before independence. However, to avoid Mr. Shahab's becoming a target for victimisation for making such a statement, the truth about his statement appeared essentially necessary to be narrated and that was that he, telling a story about the simplicity of his reverend mother to Mr. Altaf Hasan Qureshi, who had an interview with him and who had published in "Urdu Digest" an article entitled, "Qudrat-ullah Sahab" had said that his father, Mr. Abdullah, was Governor of Gilgit during the reign of Maharajah Pratap Singh and that it was during his father's time that Gilgit became to be called a District instead of a Province of the Kashmir State. At the moment, Gilgit was with Pakistan. That was why order No. 9 quoted above was promulgated. However, the world will require answer to the question: "How Gilgit became Pakistan's territory when it was part of Jammu and Kashmir State and was not given to Pakistan when the sub-continent was divided"?

Mangla Dam—Kashmiris' murder

When the scheme about building of Mangla Dam in Azad Kashmir territory was in the offing, a deputation of Azad Kashmiris had a discussion with Chaudri Mohd Ali, the then Prime Minister of Pakistan, while he was on his visit to the headquarters of Azad Kashmir. The deputationists asked him: "How the dam was proposed to be built in Azad Kashmir when it didn't legally belong to Pakistan?" But his answer was: "Who says Azad Kashmir is not Pakistan's territory?" Similarly, a deputation met Malik Feroz Khan Noon when he was Prime Minister of Pakistan and had visited Azad Kashmir. Malik Noon discussed the matter at full length with the deputationists, but being an old diplomat, appeared to be adopting a dodging attitude by saying that the requisite land for Mangla Dam and the Reservoir would be taken on lease from the Azad Kashmir Government in the same manner in which land for Upper Jhelum Canal and its Headworks was taken by the British Government from Maharajah Pratap Singh. But when he was confronted with the fact that Azad Kashmir Government was no Government, because everything was being done here by Pakistan, and it being an illegal Government, not having been recognised by any Government of the world, was not in a position to enter into a lend-lease agreement with the Government of Pakistan as was done by Maharajah Pratap Singh with the British Government, he started bluffing the deputationists and said in that connection: "An Engineer from East Pakistan was inspecting different places in Pakistan and was exploring the possibilities of building a dam within Pakistan itself, and if his report was found to be suitable, then Mangla Dam will not be built." Further discussion with him was, therefore, stopped, but on return from the headquarters of Azad Kashmir a Press conference was called at Rawalpindi in which the whole affair was explained. However, when the discussion that took place with Malik Noon, appeared in the Press, he got quite false and untrue statement published in the Pakistan Government controlled Press. He said: "There was certain misinformed speculation in the Press that Mangla Dam Project was being abandoned in favour of some alternative dam. There was no truth in these Press reports. It was also contemplated to construct three more smaller dams on the River Jhelum and the larger of the three could operate only if the Mangla Dam was constructed". It was very naive on the part of Malik Noon to have published such a statement in the Government Press, but that tendency showed that although Azad Kashmir was not legally Pakistan's territory, yet Pakistan was intent on building the dam on it forcibly. Azad Kashmir people, especially the deputationists, were jubilant when the news about the removal of Malik Noon from the Premiership of Pakistan reached them.

Proposals of the World Bank's delegation visiting Pakistan to solve the long-drawn-out Indo-Pakistan canal water dispute provided that all replacement and storage works judged necessary for Pakistan would be located in its own territory, but as Mangla Dam was built by Pakistan in Azad Kashmir territory against definite stipulations of the World

Bank and stiff opposition of the people of Azad Kashmir, it was clear that Azad Kashmir was considered to be Pakistan's own territory.

What feelings the World Bank had over Pakistan Government's determination to pursue building of Mangla Dam against their proposals? Why their conscience didn't revolt and why disgust and rage wasn't felt at the evil deed of Pakistan for not honouring their plan visualising entire works to be built in Pakistan's own territory? The strange silence maintained over it by the World Bank was indeed very surprising and was not understandable. It was thought that if Pakistan was not receiving political support of the World Bank, it could not have adopted a policy of defiance of the World Bank's proposals. And it was for that reason that the World Bank maintained silence over it. However, what had the World Bank to say about it?

Strong protests against building of Mangla Dam in Azad Kashmir were made by the people. An anti-Mangla Dam Front, whose office bearers were Ex-Army and civil officers, leading Advocates and important public men from Azad Kashmir, was formed. Under the auspices of this organisation, various meetings were held at different places, in which fiery speeches were made by leading men and women and poems were read, opposing building of the dam. The protests were unceasingly made week after week and month after month, in which damning condemnations were made by the people by show of hands. A representation against Mangla Dam signed by 500 people of Azad Kashmir consisting of an Ex-President of Azad Kashmir, leading Advocates, Ex-Pak army Officers, Ex-Kashmir Civil Officers, religious priests, most public-spirited zamindars and shopkeepers of Mirpur was submitted to the President of Pakistan, but nothing was heard of the same. One duly signed by these persons was sent to the President of the Security Council, but it was detained by the Pakistan Government in their censorship and that never reached the Security Council. Sikandar Mirza's visit to Mirpur to lay the foundation stone of Mangla Dam was rumoured those days. In an anti-Mangla Dam Front meeting, one of the speakers condemning Mangla Dam said: "If Sikandar Mirza's visit was only to see Mirpur he will be welcomed, but if he was coming to lay the foundation stone of Mangla Dam we would greet him with black flags." All speech of the speaker was published in "Nei Sahar" and this newspaper was also sent to the Security Council, but it never reached there. A representation against Mangla Dam signed by two Ex-Presidents and one Ex-Minister of Azad Kashmir was sent to the President of Pakistan. The irony, however, was that some Presidents made statements against the Pakistan Ministry (Ministry of Kashmir Affairs) only when out of office and not sitting on the gilded chairs or when their empires of self and power were lost. Otherwise like "his master's voice" in obedience to the orders of the Ministry of Kashmir Affairs they would go even up to the length of harming their own people by doing things to their detriment. One of the signatories of the above representation, when not President of Azad Kashmir, said in one of his statements: "Azad Kashmir was a Jagir of the Ministry of Kashmir Affairs". But while Presidedt of Azad Kashmir

he said, on being reminded of this statement by a correspondent in a Press conference: "Things had greatly changed in Azad Kashmir and there was no opposition to the construction of Mangla Dam in Mirpur District. That massive project would usher in an era of economic prosperity through building of various industries and an irrigation system." Whatever he said was a lie. The fact was that neither an industry nor an irrigation system was built on Mangla Dam for Azad Kashmir, but because he was then a President of Azad Kashmir, he made such a statement merely to please the Ministry of Kashmir Affairs, otherwise he knew full well that he will be dismissed if he had reiterated what he had said before.

Those Presidents of Azad Kashmir who uttered anything against Mangla Dam were dismissed from the Presidency of Azad Kashmir by the Ministry of Kashmir Affairs. Col. Abdul Qayyum Khan, President of Azad Kashmir, had only said in a cattle show at Mirpur that there were so many shrines and tombs in Mirpur District which would be drowned in Mangla Dam water, but he was called at Rawalpindi by the Ministry of Kashmir Affairs by a wireless message and was removed from the Presidency the same evening. Col. Sher Ahmed Khan was similarly removed from the Presidency. His only fault was that while talking to a delegation at Mirpur in the presence of the Joint Secretary of the Ministry of Kashmir Affairs, he said: "Nothing was known to me about the Mangla Dam. Everything was being done by the Ministry of Kashmir Affairs without asking me".

Two books in Urdu entitled "Disastrous effects of Mangla Dam Project" and "Building of dam in J & K. territory and public opinion thereon" were published by two important personalities of Mirpur, Mr. Abdul Khaliq Ansari, Advocate and Convenor J & K Awami Conference and Col. Ali Ahmed Shah, Ex-President of Azad Kashmir respectively. The titles of the books were the hall-marks of their contents. The writers, describing various drawbacks of constructing Mangla Dam in Mirpur District of Azad Kashmir, condemned it. References were also made by them in the books to the utterances made at different times by various associations, and personalities of Azad Kashmir including four former Presidents, one former Minister, some Advocates and public-men who opposed building of Mangla Dam in Azad Kashmir territory.

In August, 1960, a rally was held at Village Chak Haryam, whose inhabitants were lathi-charged by the police under the orders of Mangla Dam Chief Officer, Mr. Suhrawardy, in which an Ex-Army Havildar of the same village was seriously injured. The rally had dwarfed all previous meetings held under the auspices of anti-Mangla Dam Front. It was the biggest of all, because as many as 70,000 people representing every village of the dam area had assembled in it. One of the speakers in his speech said: "Azad Kashmir was neither the Jagir of Mr. Khurshid nor that of Mr. Ayub Khan. Mangla Dam could not be built in it. Mr. Khurshid had left his forefathers' oven of earthen pots at Jammu. He had no right to get a dam built by Pakistan in Azad Kashmir". People marched off in a procession to stage a demonstration at the Dak-

bungalow of Mirpur, where President of Azad Kashmir, Mr Khurshid, was staying. The procession was so long that while its one end was still in village Chak Haryam the other had reached Mirpur city. Although the slogan, "nahin banega Mangla Dam" with various other slogans, condemning Mangla Dam, was shouted by the processionists, yet the procession was all peaceful. And when the slogan-shouting procession, marching towards Mirpur city, was passing in front of the District courts, a Battalion of the Pak army was seen lined up all along the road with fixed bayonets. It was felt at that moment, seeing the position taken by the Battalion, that if the processionists in obedience to the orders of their leaders, were not quite peaceful, there would certainly have been trouble resulting in fatal casualties. Administration of Mirpur city was not handed over to the army and the procession was also peaceful. It was, therefore, obvious that army was brought in merely to terrorise and intimidate the people. When the procession, after entering Mirpur city peacefully and marching inside and around it, shouting different slogans, condemning Mangla Dam, and after demonstrating in front of the Dak Bungalow, was passing in front of the office of Mangla Dam Chief Officer to assemble at the college ground, stones were thrown on the processionists by the Supdt. of his office merely to create trouble; and although the processionists were stirred up by stone-throwing, and it had aroused blazing anger, yet they were appealed by their leaders to remain calm and they, having a regard for their leaders' wishes, marched off in an orderly manner to the college ground, where they assembled, heard speeches of some of the speakers and dispersed peacefully in the evening.

After dispersal of the procession, 9 leading men were arrested and locked up in Mirpur police station. At night they were transferred to Dulai Camp in a civilian bus duly handcuffed, under strict police control. There was Pakistani police in the lock-up but escort was of the Azad Kashmir police. While travelling from Mirpur to Dulai Camp through Pakistan territory, the police escort did not stop the bus on the road side even to let the arrested men attend the call of nature with the result that a person who wanted to make water did it by removing the shutters of the running bus. This gave a laugh to the people inside the bus including the policemen. While they were still in the Mirpur police lock-up and before their transfer to Dulai Camp an inspector of police was sent by the Brigade Commander of 102 Brigade to the police station to enquire Unit's name and address from one of the arrested men, a retired Major of British-Indian/Pak army. That showed that President of Azad Kashmir was given directions by the Brigade Commander to arrest the men and send them to Dulai Camp, an interrogation centre.

News of the arrests had great reaction in Mirpur city. People gathered in large numbers near the popularly known "Eastgate" of the city in a mood of demonstration and protest against the unjustified arrests. They claimed release of the men, but were ruthlessly lathi-charged by the police and several people including the son of an arrested person received injuries in the lathi-charge.

Most dramatic steps were taken after transfer of the men to Dulai Camp. Army had already been brought in to terrify and harass the people. In the villages, inhabitants of those villages, which had not yet allowed the officials of the dam organisation to enter the village and number their houses, were terrified by the Army and police by surrounding the villages concerned and making the overseers of the dam to enter the villages and number the houses. Men, women and children were dragged into the streets, kicked and tortured and defenceless victims of terrorism suffered heavily. Some people in the city were got involved in a case of issuing posters against Mangla Dam and sticking them on the walls. Every day, they were called to the police station and were harassed for a number of days.

Some orders appeared to have been received by the Dulai Camp before arrival of the men there, because four, out of the nine men, were taken to Muzaffarabad after arrival at Dulai, were released and returned to Mirpur in a civilian bus the next day. The remaining five were kept at Dulai and were treated as captives in a Nazi concentration camp and a case was registered against them under the Emergency Act. A special judge was deputed for the trial, proceedings of which were started in camera instead of in the open court, which was against the usual accepted canons of legal justice. Article 10 of the Declaration of Human Rights asserts: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal". Every inducement and method was employed to win them over. They were subjected to many pulls. But when they, standing for truth, did not give up their principles and could not be purchased, two of the leading men were tortured in violation of Article 6 of the Declaration of Human Rights. One of them was suffering from T. B. and became unconscious with the torture, but timely advice of the Doctor saved both from further torture. But reading material was denied to them. Even paper and pencil were denied to them leaving them in utter solitude and despair. However, it so happened one day that, being fed up with the treatment they received, all the five persons gave verbal notice of hunger strike from next morning, but they were separated before the mealtime; three of them were sent to Muzaffarabad prison and the remaining two were kept at Dulai separately. The camera trial which used to take place at Dulai was then taking place in the office room of the Assistant Superintendent of Prison. Two men kept at Dulai were brought to Muzaffarabad Prison in a van on each hearing. During the period of trial, statements of the accused were recorded, but no evidence was taken, although the witnesses were brought from Mirpur almost on each hearing. However, after the expiry of a period of six months, all the five accused were released, but one was re-arrested immediately after release. Another charge was framed against him, but he too was released after about a month.

One day during their stay in Muzaffarabad prison, Mr. Khurshid, President of Azad Kashmir, was heard delivering a speech on the microphone in one of the police functions in the police lines opposite Muzaffarabad prison and saying like a tame parrot that while there were

so many political prisoners in the jails of Kashmir Valley, there was not a single political prisoner in Azad Kashmir jails. This gave a laugh to the men and one of them said: "Then what are we? Are we convicts of rape with . . .?"

To arrest opposition to Mangla Dam and to lessen it to some extent, Pakistan Government started freely giving passports to U.K. to the affected people of Mangla Dam through the dam organisation. At the same time false statements in support of the dam were published in "Dawn" and "Pakistan Times" attributing them to the people of Azad Kashmir. The article appearing in "Pakistan times" in which, besides other things written about Mangla Dam, it was stated that hundreds of people from Kashmir valley had supported building of Mangla Dam, was quite untrue. It was a question of common-sense also as to what Mangla Dam had to do with the people of Kashmir Valley! Why should they support it? They were living in Kashmir, while the dam was being built in Mirpur. Why should they align themselves with the Ministry of Kashmir Affairs and support it? Of course, 3-4 persons from Azad Kashmir were forced into submission with threats of persecution and imprisonment, were whisked away from anti-Mangla Dam Front, and irresistible temptations were thrown into their way by the Ministry of Kashmir Affairs; they were offered lucrative appointments in Mangla Dam organisation. Influenced by that temptation, they might have been made to align themselves with the Ministry of Kashmir Affairs. They, by playing shameful part in sacrificing the interests of their country, might have supported building of Mangla Dam in Azad Kashmir territory, otherwise all Azad Kashmiris, with the exception of two Presidents of Azad Kashmir, who issued such false statements, as were dictated to them by the Ministry of Kashmir Affairs, totally opposed building of a dam in their territory. It brought miseries to them and tormented them, because it destroyed their lands, the only means of their livelihood and that was the truth that was sought to hide. The statements appearing in the "Pakistan Times" of 1-2-1957 and 1-2-1960 and the one that appeared in it during December, 1960; in support of building of Mangla Dam in Azad Kashmir territory were all incorrect. The statement said to have been issued by 6 leaders of Azad Kashmir, giving Azad Kashmir's full support to Mangla Dam Project and the letter said to have been written to the Security Council by 30 representatives of Mirpur, stating that Government of Pakistan was not exploiting the resources of Azad Kashmir to the disadvantage of its people and that the dam was not for the benefit of the people of Pakistan was incorrectly attributed to Azad Kashmiris. The names of the so-called 30 representatives of Mirpur show that some of them were employees of the dam organisation while the rest were so illiterate that they could hardly read Urdu, whereas the letter said to have been signed by them and sent to the Security Council was in English. How could illiterate people read and sign an English letter? In fact, the author of all the statements and letters, published in Pakistan Government Press and sent to the Security Council was the Ministry of Kashmir Affairs. This was

got done by the Information Department of the Government of Pakistan, but was attributed to Kashmiris. Why was Mangla Dam constructed against the stipulations of the World Bank and against the wishes of the people of Azad Kashmir, if it was not for the benefit of the people of Pakistan ? It was incorrectly stated in the letters dated 3-10-1957, 23-1-1958 and 12-9-1959 presented by the representative of Pakistan Government in the Security Council that Mangla Dam Project was being executed as a joint venture of the Government of Azad Kashmir and the Government of Pakistan and was for the mutual benefit of the people of Azad Kashmir and Pakistan. If Mangla Dam was not built by Pakistan for the benefit of the people of Pakistan, and if it was a joint venture for the mutual benefit of the people of Azad Kashmir and Pakistan or Azad Kashmiris supported its building in Azad Kashmir territory, it being for their benefit, then who made demonstrations against the dam; those did not occur by chance but took place in an atmosphere of emotions. It was a gigantic fabric of lies and Pakistan had been making misleading statements and twisting things to own advantage in the Security Council, which was a sheerest hypocrisy. The dam was purely for the benefit of the people of Pakistan. To state it otherwise, was a brazen lie calculated to misguide the world opinion. Such a vile attempt could never succeed to insinuate the conscience and watchful human eyes throughout the world. Pakistan's statement to the effect that the Project was designed to provide and enlarge irrigation for a considerable area of Azad Kashmir and to improve the economic conditions of the people of Azad Kashmir was untrue. If it was so, then all those who were exhibited to the world to have supported its building in Azad Kashmir territory, were challenged to substantiate their statements by naming at least one inch land of Azad Kashmir, which will be irrigated by Mangla Dam water. Let Pakistan Government itself name that land. None would, I think, be able to name it. From the time of the British rule in India, a small portion of land was being irrigated in Azad Kashmir by the Upper Jhelum Canal, whose water also now comes through Mangla Dam. That may not, of course, be mixed up. The statement about joint venture and mutual benefit etc. was deceptive. There was not a modicum of truth in it. The plain truth was that the people of Azad Kashmir neither chose nor desired to build Mangla Dam in Azad Kashmir territory, but it was forcibly built by Pakistan for the benefit of its own territory and its own nationals. To build a dam in Azad Kashmir was an act of international piracy. Frantic efforts were made to conceal the fact behind a smoke screen of treacherous propaganda and it was only to make the tale more palatable for the world that Pakistan peppered it with the fantastic story that the dam was being built both by Azad Kashmir Government and Pakistan Government. Was it less tyrannical hypocrisy to say that the people of Azad Kashmir themselves invited the wretched fate of building a dam in their territory ? How could Azad Kashmir Government meet half the cost of Mangla Dam with no money in its treasuries and when the world knows that the funds required for the construction of Mangla Dam were contributed by the members of

the consortium to Pakistan and not to the Azad Kashmir Government? World Bank, Chairman of the consortium and General Supervisor of the Project, through whom all money paid by the members of the consortium was spent towards the expenses of the Project, should come out with the truth of building of Mangla Dam. The most benefit that Azad Kashmir could derive from Mangla Dam was that the people of New Mirpur Town, Ban Khurman and Chechian could get electricity, but that could be had from other means also without being deprived of their lands and homes. However, was it electricity alone for which the people wanted to lose their means of livelihood, wanted to be kicked out of their homes and were anxious to see their forefathers' graves submerged in the dam water?

Illegal acquisition

Land Acquisition Act 1894 of British-India adopted by Pakistan and Standing Order No. 28 of Pakistan were both enforced in Azad Kashmir by the Ministry of Kashmir Affairs, as was done in the case of other rule and regulation books. This Act was to be applied in the cases of property acquired in connection with Mangla Dam and Reservoir. The property could have been acquired under Land Acquisition Act provided it was needed for public purpose and compensation thereof was paid out of public revenues. When the cost is met from public revenues, the Act becomes applicable by its own operation, but as the lands etc. were not required for public purpose by the Azad Kashmir Government nor was compensation thereof paid from the Azad Kashmir treasury, those could not be said legally to have been acquired under the Land Acquisition Act. In fact, lands and other property was required for Pakistan Government and compensation thereof was paid out of the funds contributed by different countries for the construction of Mangla Dam. And diversion of purpose from the ostensible purpose for which lands and other property was required, was also not permissible under the Land Acquisition Act. It was, therefore, obvious that lands and houses etc. of the people of Azad Kashmir were not acquired in accordance with the provisions of the Land Acquisition Act, but were taken away forcibly and it was deceitfully stated that the same were acquired under the Land Acquisition Act. Deceit will also be found in the following :—

Directions of Land Acquisition Act and Standing Order No. 28 about acquiring of mosques, tombs and graveyards were—Land Acquisition Act: "Officer who selected lands on behalf of the requiring department was bound to see and in particular he will avoid lands which contain any religious buildings, tombs or graveyards or lands to the acquisition of which there was likely to be religious objection". Standing Order No. 28: "In no circumstances, however, shall any religious places of worship, shrine, tomb, graveyard or any other immovable property attached to any such institution and the boundaries of which are continuous with the site of the same, be acquired compulsorily. If any other immovable property attached to any such institution or any waqf property be required, the Collector must refer the matter

to Government which has undertaken to consult at least four unofficial members of the Legislative Assembly of the country concerned before taking action”.

In view of the above- noted directions, how could it be said that the property was acquired under Land Acquisition Act ? However, either names of the members of the Legislative Assembly, who were consulted in the matter, have to be stated or reasons for ignoring instruction of Land Acquisition Act and Standing Order No. 28 in respect of acquisition of mosques, tombs, shrines and graveyards have to be given, if these were acquired under them. How could names of the members of the Legislative Assembly be given when there was no Legislative Assembly in Azad Kashmir or how could reasons for ignoring the requirements of the Acts be given when the property was not legally acquired under them ?

As the Government, in compliance with their masters' orders, was bent upon turning the people out of the dam area, thousands of mosques, tombs, shrines and graveyards were taken away, and in spite of protests and objections laid before the Collector in the light of the instructions of Land Acquisition Act and Standing Order No. 28, nothing was done for the oppressed people and they were deprived of everything forcibly sending false and misleading statements to the Security Council and publishing the same in the newspapers of Pakistan Government. Some mosques were even demolished and their dismantled materials were removed by the contractors under the orders of Commissioner Mangla Dam. Quranic orders about the mosques were that a mosque once built was always a mosque and could not be demolished on payment of compensation for the same. Muslims of all the world over, having great regard and sanctity for the mosques, follow Quranic orders about them, except, of course, one small sect.

Comparison of the treatment of mosques by the dam organisation, as noted above, with the treatment accorded by the British Government when India was ruled by them will be of great interest to readers.

British road widening plan

In order to straighten a road during British rule in India, a portion only of a mosque was demolished by the PWD department at Cawnpore, about which Maulana Mohd Ali Jauhar first entered into correspondence with Sir James Meston, the Lieutenant Governor of the U.P., but when it proved to be of no avail, the demolition was openly opposed and public opinion was mobilised in the matter by writing in the newspapers—Maulana Mohd Ali Jauhar wrote in the “Comrade”, Maulana Abul Kalam Azad in the “Alhilal” and Maulana Zafar Ali Khan in the “Zamindar”—a great hue-and-cry was made about it by the Muslims. One of the newspapers termed it as a “great political shock for the Muslims of India”. Although it was only after a considerable loss of life that a settlement was arrived at, yet the demolished portion of the mosque was re-built and the road was made in an unstraightened form, as it was.

The above-noted case could also show the regards the ordinary

Muslims of that time had towards mosques and the regards the ruling Muslims of the present time, who are responsible for the destruction of thousands of mosques in connection with the construction of Mangla Dam, had towards them.

Incorrect notification

In compliance with the orders of the Ministry of Kashmir Affairs, a notification under Section 4 of Land Acquisition Act was issued by the Azad Kashmir Government, falsely stating that the lands and other property was required for a public purpose and compensation thereof will be paid out of Government treasury and similarly, a public notice of the substance of the notification was caused by the Collector. The acquisition was objected to by the people by submitting a list of objections (cyclostyled in Urdu) through a lawyer to the Collector. With many other objections in the list it was said: "Azad Kashmir Government was illegal, not having been recognised by any country and was not competent to issue notification under Section 4 of Land Acquisition Act—the statement about payment of compensation out of Government treasury was incorrect, there being no money in Azad Kashmir Government treasuries—the people of Azad Kashmir would derive no benefit out of the dam and that the graves of our forefathers and mosques, to save which it was our national duty, would be submerged in the dam water".

Objections submitted to the Collector were such that no property could be legally acquired under Land Acquisition Act, but the objections were not given any consideration at all nor were those considered by the Azad Kashmir Government. Order to start proceedings for assessing the property and for paying compensation thereof were simply issued to the Collector.

In obedience to the above orders, the Collector started necessary proceedings. According to the Land Acquisition Act, the lands to be acquired were to be measured by the staff of the Collector and inspected and valued for payment of compensation by the Collector himself, taking into consideration the value of the lands as it stood at the time of publication of notification under Clause 4 i. e. according to the classification of the lands as it stood on the day of the notification, but the Collector took action contrary to the Land Acquisition Act. He did not inspect our land himself nor did he value them according to the class on the day of notification, but those were valued according to the class given to them some 50 years back by the Revenue Department of Dogra regime. Those were wastelands then, but were farmlands at the time of valuation. Our buildings were similarly valued. The compensation was not paid according to the Land Acquisition Act but according to the instructions of the Ministry of Kashmir Affairs to the Azad Kashmir Government. The Collector and his staff owed their appointments to the Ministry of Kashmir Affairs. They, therefore, entirely ignored the provisions of the Land Acquisition Act and acted on the instructions given to them verbally.

Although Mangla Dam was displayed to the world as a joint

self-supporting in their new and very different environment, the Government, assisted by the World Food Programme provided them with a free food. 3,600 tons of wheat, 450 tons of dried, skimmed and whole milk and 1,200 tons of dried and canned fruits were supplied for the affected people by USA, Austria and Australia respectively One. million dollars were given by USA towards food supplied to the people. Originally the affected people were living on small holdings of land, which obliged nearly half of the able-bodied men to leave their families for long periods for employment in other parts of Sudan or abroad.

Illusory promises

President of Azad Kashmir who issued notification under Section 4 of Land Acquisition Act said in a gathering at Mirpur. "The affected people of Mangla Dam would be treated generously. All of them would be settled on the lands in the adjoining districts and houses would be constructed for them by the Government in such a way village-wise that they would be able to name the new villages after their old villages in Azad Kashmir. Their womenfolk would be taken to first see the new places with their own eyes and after their approval only, the settlers would be shifted to the new settlements along with their household effects and cattle, etc. at Government expense". So was said by the other two Presidents also, who were appointed successively after him, as referred to in an earlier chapter of this book. Neither differed in any material way from the former. A statement was also published in the Government newspaper, 'Pakistan Times', by the Chief Resettlement Officer, Kh. Abdul Ghafoor of Mangla Dam organisation, in which besides other things, he stated: "The agriculturalists will be rehabilitated on developed land acquired for this purpose outside Azad Kashmir territory, preferably in the adjoining districts. Arrangements would be made to remove the displaced persons and their household effects to the new settlements and credit facilities and other assistance will be given till they stand firmly on their feet". But it was found subsequently that their utterances and the statemens made by them were only a snare and a delusion and those were their tactics designed just to quieten the people and to please the Ministry of Kashmir Affairs. Only a very few people owning lands in Azad Kashmir and living in the working area of the dam were given 12½ acres of land in Pakistan, while all others, irrespective of the fact whether or not they owned land in Azad Kashmir, were denied lands. No one, not even those living in the working area of the dam, was settled in the adjoining districts, as promised. The houses were built by the affected people themselves at different places within and outside Azad Kashmir territory and not by the Government, as was said. What to say of a generous compensation, the affected people were not given even reasonable compensation. Some of them were given no compensation at all for thir houses and were shunted out without even provision of alternative accommodation to them. Houses of some people were bulldozed, their household effects destroyed and they were forcibly turned out by the police. Damages for injurious affection and loss of earnings admissable under Section 23 of the Land

Acquisition Act were given to no one. Government transport was provided to those given lands in Pakistan and to a few selected people settled in Azad Kashmir, although expenses connected with removal due to change of residence in consequence of the acquisition were admissible in cash under Section 23 of the Land Acquisition Act. These were given to no one, though there was no provision of providing Government transport in lieu of cash in the Land Acquisition Act and Standing Order No. 28. All others, especially those who were turned out by the police under Section 47 of the Land Acquisition Act, had to make their own arrangements for shifting, though every one was entitled to an allowance under the law.

The above noted slavish treatment was accorded to the affected people of Mangla Dam merely for the fact that the President of Azad Kashmir, in obedience to the orders of the Ministry of Kashmir Affairs and in his own personal interest, issued false statements and the President of Pakistan had asked the dam organisation to evacuate the people out of the dam area as quickly as possible.

Over 30 acres of land to each family free of cost with taccavi grants were given in West Pakistan to thousands of East Pakistanis and Tribesmen from NWFP. Mosques, schools and hospitals were built for them by the Government. They were received by the officials of the Ministry of Food and Agriculture at their new settlements.

Contrast of the treatment accorded to the two sets of people will show that no justice but politics had entered into the dealings with the affected people of Mangla Dam.

Realities

All actions of Pakistan Government in Azad Kashmir, false news about some of which was passed on to the Security Council, were concealed from the world. Whatever the methods the fact was that Azad Kashmir had been occupied by Pakistan. There was no denying the fact nor was there any escape from the reality that Azad Kashmir belonged to its people and not to some stooge Presidents, lackeys of the Ministry of Kashmir Affairs or to those beneficiaries of the Ministry to whom award of squares of land was made and who have been playing into the hands of the Ministry. And that the wounds inflicted to Azad Kashmiris by forcibly turning them out of their ancestral homes would never fade out from their hearts.

This little book contains revelations of the above. It was sincerely prayed to God Almighty that if intention of writing this book was not only to make revelations of Pakistan's action in Azad Kashmir or if malice and ill-will was the motive of writing it, Providence may punish me on the Doomsday, otherwise those responsible for kicking the people out of their ancestral homes and their collaborators may be punished for their evil-doings.

Secretary General of UNO was appealed to kindly see that a United Nations Human Rights Commission was appointed to investigate violations of Human Rights in Azad Kashmir.

Nations of the world were appealed with the fervent hope that some country with the human feelings might take up the case of the oppressed people in the court of Human Rights, set up at Strasbourg, the first international tribunal in history. Cases on behalf of the people of a country deprived of Human Rights could be taken up in this court by other countries.

Britishers had noblest christian minds; they were animal lovers and were outraged at the slightest suggestion of cruelty to dogs and birds. Would cruelty to human beings be not considered outrageous by them? They were appealed to kindly stand by Azad Kashmiris with sympathy in view of their anguish and despair for having lost the means of their livelihood in Azad Kashmir.

Questions Pakistan must answer

Was Azad Kashmir Government recognised by any country? Did Pakistan recognise it? If Azad Kashmir was not occupied by Pakistan, why were Pakistani senior secretary and all heads of departments posted in Azad Kashmir, why were Pakistani rule and regulation books and acts etc. ordered to be used in Azad Kashmir, why was the State property in the Punjab taken over by Pakistan, why were cairns of stones and wooden poles marking the State borders since British rule in India removed and separateness of Azad Kashmir extinguished, why and in which capacity had the Minister for Kashmir Affairs, Mr. Mumtaz Ali, dealt with some party bosses in Azad Kashmir, as stated by him in his statement published in the "Pakistan Times" dated 1-6-1955 and why were all roads in Azad Kashmir under the control of Pakistan Army? If Governments in Azad Kashmir were not formed by the Ministry of Kashmir Affairs, why had Azad Kashmir's political party known as favourite of Pakistan stated in a pamphlet that the Ministry of Kashmir Affairs, were the actual rulers of Azad Kashmir and that they formed and dismissed Governments there? If Presidents of Azad Kashmir were not appointed and dismissed by the Ministry of Kashmir Affairs at their sweet will, how so many persons became Presidents of Azad Kashmir since 1947? Were all the Presidents elected by the people? Why were the Emergency Act and Defence Rules enforced in Azad Kashmir? For what happenings was EBDO started in Azad Kashmir and why were some Kashmiri leaders ebdoed there? Why was Chaudri Ghulam Abbas, the veteran leader of Azad Kashmir, ebdoed? Why were some Kashmiri leaders in the pay of the Ministry of Kashmir Affairs? For which service and for which gallant act was the award of squares of land made to six Kashmiri leaders? Why had Pakistan's favourite political party of Azad Kashmir published a pamphlet, in which besides other things, it was stated that Martial Law had been imposed in Azad Kashmir, houses were pillaged and blasted with dynamite, people were deprived of their personal belongings and were killed by shelling and firing of mortar guns, women were raped and unnatural offences were committed with the teen-aged boys by the Pakistani police? Why was the news about the tragic happenings in Azad Kashmir not published in the newspapers? Why was the truth

about these happenings suppressed and why was the information withheld from the world ? Why were the facts not known to the world about internment of a President of Azad Kashmir in his Rawalpindi bungalow, arrest and detention in Lahore Fort of Captain Khan Mohd, arrests of certain Kashmiri leaders at Rawalpindi, demonstrations staged against Mangla Dam by anti-Mangla Dam Front and arrests and detention in a prison of its leaders ? Which territory of Pakistan was given to China and a border agreement signed with her and how territories of Pakistan and China became contiguous ? When funds for building of Mangla Dam were contributed by the members of the consortium for Pakistan alone and not for the illegal Government of Azad Kashmir, how and why was Mangla Dam shown to the world as a joint venture ? Which land of Azad Kashmir will be irrigated by Mangla Dam water ? Why was notification issued under Section 4 of Land Acquisition Act for Tarbela Dam in the year 1960 cancelled in the year 1967 ? Why was a blanket of secrecy draped over happenings in Azad Kashmir ?

The above-noted questions would, I think, acquaint the world with the real and true picture of Azad Kashmir.

New Government

After the foregoing facts were written by me, a change was brought in the Azad Kashmir Government. Brigadier Abdul Rahman Khan was now the President in place of Khan Abdul Hamid Khan. Three Ministers were also appointed to work under him but the State Councillors remained unaffected. This would confirm that Governments in Azad Kashmir were changed by the Ministry of Kashmir Affairs at their sweet will.

Government of Pakistan
Ministry of Kashmir Affairs

"Shahzada Kothi",
Rawalpindi, 10th February, 1950

M E M O R A N D U M

It is observed that attempts are sometimes made to set up rival organisations amongst the J & K refugees. This is liable to cause confusion in such matters as the distribution of gifts, verification of the particulars of refugees receiving or applying for free rations etc., in which the advice and assistance of the representatives of the All Jammu and Kashmir Muslim Conference is necessary in accordance with the policy pursued by this Ministry. To remove any possible Kashmir Muslim Conference of which Ch. Ghulam Abbas Khan is at present the President is the only political organisation recognised by the Government of Pakistan and the representatives of this organisation alone should be associated with matters requiring their assistance or advice.

2. Instances may occur where rival groups or persons may simultaneously claim to represent the All J & K Muslim Conference. In such cases, an immediate reference should be made to the Chief Plebiscite Adviser, Government of Pakistan, Murree, who will issue necessary instructions after consulting the President of the All J & K Muslim Conference.

Sd/- Q. U. Shahab
Deputy Secretary to Govt. of Pakistan.

To,

The Deputy Commissioners,
Lahore, Gujranwala, Sialkot,
Gujrat, Jhelum and Rawalpindi.

Copy for information and necessary action to:—

1. The Chief Secretary, Govt. of Punjab, Lahore.
2. A. G. 5, Adjutant General's Br; G. H. Q. (P), Rawalpindi.
3. The Chief Plebiscite Adviser, Govt. of Pakistan, Murree.
4. The Commissioners, Lahore and Rawalpindi Divisions.
5. The Inspector-General of Police, Punjab, Lahore.
6. The Dy. Inspector-General of Police, C.I.D., Lahore.
7. The D.I.G. Police, Lahore and Rawalpindi Ranges.
8. The Superintendents of Police, Lahore, Gujranwala, Sialkot, Gujrat, Jhelum and Rawalpindi.
9. The Superintendents of Police, C.I.D. (K.T.S.), Rawalpindi.
10. The Director of Refugees, (Kashmir), Murree.
11. The Commissioner, Azad Kashmir, Muzaffarabad (with 8 spare copies).
12. The Private Secretary to QAID-I-MILLAT, Ch. Ghulam Abbas Khan Sahib, President, All J & K Muslim Conference, Karam Niwas, Murree.

Sd/- Q. U. Shahab
Deputy Secretary to Govt. of Pakistan.

Appendix B

**AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
EXTRAORDINARY GAZETTE
MUZAFFARABAD, DATED 21st AUGUST, 1964. No. 43
No. Admin./4697-4740/SG/64
OFFICE OF THE SECRETARY GENERAL,
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR,
MUZAFFARABAD.**

ORDER

DATED : the 20th August, 1964

The Azad Government of the State of Jammu & Kashmir is pleased to enact the Azad Jammu & Kashmir Government Act, 1964 forming Annexure 'A' to this order.

Sd/ M. A. Bari
Secretary General.

WHEREAS it is necessary to provide for the Government and Administration of the territories of Azad Jammu & Kashmir.

It is hereby enacted as follows :—

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| Short title and commencement. | 1. This Act may be called the Azad Jammu & Kashmir Government Act, 1964
It shall come into force at once. |
| Definitions. | 2. In this Act, unless there is anything repugnant in the subject or context :—
(a) "Chairman" means the Chairman of the State Council.
(b) "Chief Adviser" means an officer appointed by the Government of Pakistan to be the Chief Adviser to the Government.
(c) "Existing Law" means the law which was in force immediately before the commencement of this Act.
(d) "Government" means the Azad Government of Jammu & Kashmir.
(e) "Prescribed" means prescribed by rules made by the Chief Adviser.
(f) "President" means the President of Azad Jammu & Kashmir and
(g) "State Council" means the State Council constituted under this Act. |
| State Council. | 3. There shall be constituted a State Council constituted of eight members who shall be elected in the prescribed manner by the elected members of the Union Councils, the Town Committee and Union Committees constituted under the Azad Jammu & Kashmir Basic Democracies Act 1960 (Azad Jammu & Kashmir Act X of 1960). |
| Chairman of the State Council. | 4. The Chief Adviser shall appoint one of the members of the State Council to be the Chairman thereof unless he thinks fit to appoint any other person to be such Chairman.
Provided that if the person appointed as the Chairman is not a member of the State Council under Section 3, such person shall be deemed to be such member in addition to the members specified in that Section.
The Chairman shall hold office for such period as may be specified by the Chief Adviser and if the period is not so specified, until further orders of the Chief Adviser. |
| Removal of Chairman. | 5. Without prejudice to the powers of the Chief Adviser, the State Council may by resolution expressing want of confidence, remove the Chairman. |

No resolution under sub-Section (1) shall be moved in the State Council except with the previous consent in writing of the Chief Adviser.

The Chairman shall have the right to appear before the State Council during the consideration of the resolution under sub-Section (1) but shall not preside over or vote at the meeting considering such resolution.

If the resolution under sub-Section (1) is passed by the votes of the majority of the total number of votes, the Chairman shall forthwith cease to hold office.

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| Acting Chairman. | 6. When a vacancy occurs in the office of the Chairman by reason of death, resignation or otherwise, or when the Chairman is absent from duty, the Chief Adviser may appoint a person to perform the functions of the Chairman until a Chairman is appointed under Section 4 or, as the case may be, the Chairman resumes his duties. |
| Chairman to be the President ex-officio. | 7. The Chairman shall ex-officio be the President of Azad Jammu and Kashmir and the Acting Chairman shall ex-officio be the Acting President. |
| Removal of members of the State Council. | 8. The removal of members of the State Council shall vest in the Chairman according to rules to be made under this Act. |
| Secretary to the State Council. | 9. The Chief Adviser shall appoint a person to be the Secretary to the State Council.
The Secretary to the State Council shall be the Senior Secretary to the Government. |
| Legislative powers of the State Council. | 10. Subject to the provisions of this Act, the State Council may make laws for the territories of Azad Jammu and Kashmir.
No legislation shall be undertaken by the State Council except with the previous consent in writing of the Chief Adviser.
No law made by the State Council shall have effect unless the Chief Adviser by notification so directs and in such direction with respect to any law, he may direct that the law shall have effect or shall, in its application to any specified area, have effect, subject to such exceptions or modifications as may be specified in the direction.
No rules made under any law made by the State Council or under any existing law shall have effect unless they have been approved by the Chief Adviser. |
| Reserved matters. | 11. It shall not be lawful for the State Council to enact any law relating to or affecting :
The organisation, discipline and control of the armed forces, evacuee property and the provisions of this Act or the rules made thereunder and their repeal or modification. |
| Other functions of the State Council. | 12. The State Council may advise the President in the performance of his functions under any law for the time being in force and shall perform such other functions as the Chief Adviser may direct. |
| Transitional provision. | 13. Until the elections of the members of the State Council under this Act, the six persons who, immediately before the commencement of this Act, were members of the Council constituted under the Azad Jammu & Kashmir Presidential Election Act 1960, being elected out of the elected members of the Basic Democracies referred to in |

clause (a) of sub-Section (1) of Section 12 of that Act, shall be members of the State Council as if elected under this Act and the State Council shall, notwithstanding any vacancy therein, be deemed to have been validly instituted.

Oath of Office.

14. Every person appointed or elected or declared as Chairman or a member of the State Council shall, before entering upon the duties of his office, make or subscribe an oath as may be prescribed in this behalf

Powers to make rules.

15. The Chief Adviser may make rules for carrying out the purposes of this Act

Continuance of existing laws

16. Subject to the provisions of this Act, all existing laws shall with necessary adaptations continue in force until altered, replaced or amended.

Amendment of the rules of business.

17. The rules of business for the Azad Government of the State of Jammu & Kashmir shall have effect subject to the amendments specified in the schedule.

Repeal.

18. The Azad Jammu & Kashmir Refugees Registration and Representation Act 1960 (XIII of 1960) and the Azad Jammu & Kashmir Presidential Election Act 1960 (XIV of 1960) together with all enactments amending or modifying those acts, are hereby repealed.
The Schedule.

1. Rules 5, 8, 9 and 10 shall be omitted.

2. For the expressions "Secretary General" and "Director of Police" wherever occurring the words "Chief Adviser" and "Director of Police" shall respectively be substituted.

No. 19294-19470/D/64 Dated 21-8-1964

Vol XVI Muzaffarabad, Dated 21st October, 1964

OFFICE OF THE SENIOR SECRETARY
AZAD GOVERNMENT OF THE STATE OF JAMMU & KASHMIR
MUZAFFARABAD

ORDER

The Azad Government of the State of Jammu & Kashmir hereby orders that the Azad Jammu & Kashmir Government (Amendment) Act 1964 shall be annexure 'A' to this order.

Sd/ M. A. Bani

Senior Secretary

Azad Govt. of the State of J & K
Muzaffarabad

ANNEXURE 'A' OF APPENDIX B

Whereas it is necessary to amend the Azad Jammu and Kashmir Government Act 1964.

It is hereby enacted as follows:—

1. This Act may be called the Azad Jammu & Kashmir Government (Amendment) Act 1964.

It shall come into force at once and shall take effect from the date of coming into force of the Azad Jammu & Kashmir Government Act 1964

2. The Azad Jammu & Kashmir Government Act 1964 is amended as follows;—
The following shall be substituted for sub-Section (b) of Section 2 of the said Act.

"Chief Adviser" means an officer appointed by the Azad Govt. of the State of Jammu & Kashmir on the advice of the Govt. of Pakistan, to be the Chief Adviser to the Government.

The following shall be substituted for sub-Section (1) of Section 4 and the proviso thereunder of the said Act:—

The Chief Adviser shall, in consultation with the State Council, nominate one of the members of the State Council to be the Chairman thereof unless, after such consultation, it is thought fit to nominate any other person to be such Chairman.

Provided that the person nominated as the Chairman shall within six months of his nomination obtain a majority vote of confidence from the elected members of the Union Councils, the Town Committees and Union Committees constituted under the Azad Jammu and Kashmir Basic Democracies Act 1960.

If the Chairman fails to obtain a majority vote of confidence, he shall forthwith cease to hold office as Chairman of the State Council

8. The following shall be substituted for sub-Section (2) of Section 4 of the said Act:—

The Chairman shall normally hold office until the new State Council is elected, and the new Chairman nominated.

Appendix C

Office of the Senior Secretary, Azad Govt.
of the State of Jammu & Kashmir, Muzaffarabad.

No. 17/17/1358-1405/67
Dated 28-3-1967.

ORDER

The Azad Government of the State of Jammu & Kashmir is pleased to direct that land acquired in Mirpur District for the construction of Mangla Dam and Reservoir shall be mutated in the Revenue papers in the name of the Government of Pakistan in the column for "ownership" and the name of West Pakistan WAPDA shall be shown in the column for "possession" on behalf of the Government of Pakistan.

The Government is further pleased to direct that all concerned Revenue authorities shall take action accordingly.

Sd/ Abdul Ghani
Deputy Senior Secretary.

Copies are forwarded to:—

- (1) Deputy Secretary, Kashmir Affairs Division, Shahzada Kothi, Rawalpindi with reference to the correspondence resting with KAD's letter No. D. 18/63 (KI) dated 14-2-67.
- (2) Project Director, WAPDA, Mirpur.
- (3) Commissioner, Mangla Dam, Mirpur.
- (4) Law Secretary, Azad Jammu & Kashmir Govt., Muzaffarabad
- (5) Revenue Commissioner, Azad Jammu & Kashmir Govt., Muzaffarabad.
- (6) Deputy Commissioner, Mirpur.
- (7) Director of Information, Azad Government of the State of Jammu & Kashmir, Muzaffarabad.

Sd/ Abdul Ghani
Deputy Senior Secretary.

Appendix D

State Council Resolution at a formal meeting held
on 15th September 1964, regarding Upper Jhelum Canal.

Resolved:—

That the Durbar have no objection to the Punjab Government constructing the Head Works and reaches of the proposed Upper Jhelum Canal within their territory on the following conditions:—

1. That all land required for the purposes of the Canal will be given by the Durbar to the Punjab Government free of cost, but on the condition that it shall always remain the property of the Durbar and any portion hereafter found not to be required for Canal purposes shall be given back to the Durbar.
2. That the Punjab Government will pay annually to the Durbar a sum equivalent to the total amount of revenue at present levied in respect of the cultivated portion of the land, which because of its being required for the purposes of the Canal shall have to be remitted by the Durbar.
3. That all land situated within State territory which may at present receive irrigation according to the percentages and in conformity with the rules in force throughout the Canal and that water shall be given free of royalty or any other charge whatsoever.
4. That the Durbar be permitted to construct the distributories and water courses required for the irrigation of land within State territory in accordance with plans to be approved by the Punjab Government officials.
5. That the Durbar will have the right of erecting mills and other works at all sites on the Canal within State territory where water power may be available. The construction of such mills and works may if so desired be carried by the Punjab Government at the cost of the Durbar who will be entitled to all profits arising from the working of the mills, etc
6. That the Durbar will make their own arrangements for the maintenance and upkeep of their irrigation channels the distribution of water therefrom, the measuring up of irrigation, the assessment of revenue on land irrigated and the collection of such revenue. These are functions to which the Durbar attach very great importance as necessary for the unbroken uniformity and continuity of administration in that part of the State territory which would be affected by the proposed Canal.
7. That the Punjab Government will undertake to construct free of all cost, bridges for cart and foot traffic across the Canal at suitable places as may be necessary from time to time.
8. That the Punjab Government will pay compensation for all crops, buildings, etc. destroyed or injured by breaches of the Canal or by the action of torrents, the normal free course of which has, in any way, been affected by Canal works.
9. That the Punjab Government will undertake to pay compensation for all wells, buildings or other structures taken over and destroyed or dismantled for the purposes of the Canal or any works connected with it.
10. That the Durbar will be prepared to introduce a Regulation in the State on the lines of the Northern India Canal and Drainage Act, modified if necessary, according to local conditions. The Durbar will moreover be willing if necessary to grant jurisdiction to the Canal Officer of the Punjab Government in charge of the upper reaches of the Canal in matters falling within his province under the said Regulation within lands occupied by the main Canal and the works directly connected with it. Provided that appeals from orders passed by such officer shall lie to the Chief Judge at Jammu, whose orders subject to the general powers of revision of His Highness the Maharajah in Council shall be final
11. That the Durbar will permit the use of boulders, limestone and rocks required for works on that portion of the Canal which lies within State territory free of royalty or any other charge. The Durbar, however would levy royalty on boulders, stone and rocks that may be required for use on Canal works lying outside the State territory.
12. That the Durbar will arrange free of charge for the temporary occupation if necessary of lands not permanently required for the construction of brick-kilns or lime-kilns or for stones or other quarries or for the erection of temporary sheds or other buildings on the understanding that if any standing crops are cut down or injured, the Punjab Government will pay the value of such crops to the cultivators or other parties possessed of rights in the land.

13. The use of inspecting Bungalows on the Canal will be allowed to the State officials on duty of the rank of Tehsildar and above.

14. That the boundaries of the Canal will be marked before the work of construction is taken in hand and that in doing so care will be taken to avoid interfering in any way with any religious institution or other place held sacred by the people.

15. That the Punjab Government Officials will arrange to conform to the rules and practices of the Jammu and Kashmir State in matter of use and importation of forbidden articles of food.

16. That the consent hereby given to the construction of the Upper Jhelum Canal will not in any way prejudice the right of the Durbar to take in hand at any time in the future any projects for irrigation from the Upper courses of the Jhelum or any of its tributaries. This condition is however subject to the proviso that any such projects if taken in hand within the limits of Jammu Province will be so devised as not to diminish to any material extent the normal supply of water in the Upper Jhelum Canal

Appendix E

CERTIFICATE OF GALLANTRY DURING WAR OF LIBERATION IN AZAD KASHMIR

1. Late Major Dheru Khan of village Jabbot, Tehsil and District Mirpur was one of the few officers who served with great distinction in 1948 in Azad Kashmir during War of Liberation. I am proud to say that he belonged to my Regt. (16 Punjab Regt.) and that I had the privilege of watching his exploits over a long period against very stiff opposition.

2. Major Dheru Khan was specially selected to command Waziristan Scouts and to paralyse the enemy, he was given the task of carrying out raids on flanks and rear of enemy. The sense of responsibility, patriotism and gallantry displayed by him were always sources of great inspiration to all of us. It was mainly due to the efforts of such brave officers that the enemy was not allowed to advance beyond Titwal. The boldness shown by him not only confused the enemy about the nature and weight of attack, but also gained time for us to obtain more reinforcement. I was shocked to hear about his death at such an early age. A soldier of his outstanding military qualities "never dies but only fades away". I am sure that the family of such a brave soldier will be suitably rewarded for the distinguished part played by him at the time when the fate of Kashmir was being decided in such adverse circumstances.

Sd/ N. S. Kamal

(Kamal)

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